

47

## Notice of Allowability

Application No.

09/604,564

Examiner

Christopher J. Brown

Applicant(s)

DEMELLO ET AL.

Art Unit

2134

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/26/05.
2. ☒ The allowed claim(s) is/are 3,17,40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Oath/Declaration***

The applicant's attached copy of the Oath is acceptable.

### ***Response to Amendment***

The applicant's amendments to claims 3, 17, and 40 have overcome the examiners 35 USC 112 rejections.

### ***Allowable Subject Matter***

As per claims 3, and 17, Sachs US 6,331,865 discloses a system which validates a server, (Col 3 lines 58-63). Sachs discloses deriving an identifier associated with a computing device (electronic book unique secret key), and uploading said identifier to said server (Col 3 line 63 to Col 4 line 3).

Sachs discloses that the device receives a secure repository from said server, (encrypted content key), (Col 5 lines 2-6).

Sachs does not disclose authenticating said secure repository.

Herbert US 6,199,053 discloses authenticating data sent over a network through the use of a digital signature, (Col 1 lines 34-45). Herbert teaches that the originator of the data

hashes the data and signs the hash with a private key. It turn the receiver decrypts the hash, and compares it with the receivers own hash of the data. If they match, the data has not been tampered with.

Rohatgi US 5,625,693 teaches sending a certificate with a public private key pair for decryption of content encrypted with the servers private key, (Col 6 lines 33-43).

Neither Sachs, Herbert, or Rohatgi teach receiving two or more activation certificates for use with secure repository, including a first activation certificate in an encrypted form, and a second activation certificate in an unencrypted form.

As per claim 40,

Eberhard US 2001/0011238 in combination with teaches that there may be unencrypted content, allowing content rendering without activation, ([0028]). The Sachs-Eberhard combination teaches rendering of encrypted content, (Col 5 lines 13-16). Sachs-Eberhard thus teaches that a first set may be rendered whether or not a first status is activated (encrypted or unencrypted), while a second set may only be rendered if the first status (encrypted) is activated.

Neither Sachs, Herbert, Rohatgi, or Eberhard teach wherein said second set of content items are encrypted with a first key,

wherein said activation certificate contains a first public/private key pair, and wherein said second set of content items are decryptable only in the presence of said activation certificate, further comprising the act of downloading a secure repository having associated therewith a second public/private key pair, wherein said first key is encrypted with the public key of said first public/private key pair, and wherein said activation certificate contains the private key of said first public/private key pair in a form encrypted by the public key of said second public/private key pair.

Therefore claims 3, 17, and 40 are allowable over the prior art of record.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

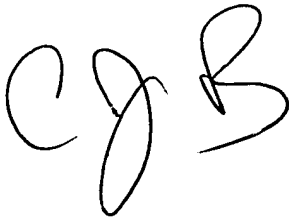
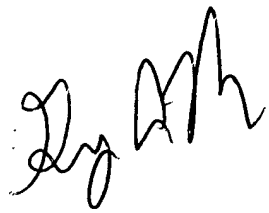
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

9/6/05

Handwritten signature of Christopher J. Brown, consisting of the letters 'CJB' in a stylized, cursive script.Handwritten signature of Gregory Morse, appearing to be 'G. Morse' in a cursive script.

GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100